UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES of AMERICA,

                                    Action No. 1:04-cr-10286 PBS

        v.

MICHAEL ALCOTT,
            Defendant.

MOTION TO ENLARGE TIME NUNC PRO TUNC

N O W   C O M E S defendant, Michael Alcott, by his counsel, and moves for an

order, pursuant to F.R.Crim.P. Rule 32 (e) (2) enlarging time to file objections to

the PSR to December 7, 2005. The government assents to this motion.

        In support of this motion, counsel says as follows:

        1.   Counsel has insufficient time under the Rule 32 (e)(2) to finish

drafting objections to the PSR. The fact pattern is unusually complex and

involves multiple offenses.   Probation required an enlargement to finish

producing a first draft of the PSR; it is fair to give the defense more time to

respond. Counsel's other commitments (sentencings in this District) have

impeded progress on the objections.

        2.   Defendant's forensic psychiatrist has been experiencing a slow

recovery and has been unable to assist.

        3.   Counsel is preparing for a partial sentencing hearing in this matter

on December 20, 2005.

4.   The relief sought is necessary to the preparation of the defense

and would serve the administration of justice. Counsel has not had the 35 days'

notice required by the Rules. As Rule 32 (e)(2) specifically provides:

> **(2) *Minimum Required Notice.***
>
> The probation officer must give the presentence report to the
> defendant, the defendant's attorney, and an attorney for the
> government at least 35 days before sentencing unless the
> defendant waives this minimum period.

5.   In view of the fact that defendant has requested additional time

and has not waived the 35-day requirement, counsel suggests that relief is

warranted.

Dated this 1st day of December, 2005 at Boston, Massachusetts.

/s/   *Kevin L. Barron*

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ELECTRONIC FILING

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